

## REMARKS

Claims 1-31 are pending. Claims 1, 12, 23, and 28 are in independent form.

In the action mailed June 1, 2006, claims 23-27 were allowed and claims 7, 13, and 16-19 were indicated as containing allowable subject matter. Applicant acknowledges the indication with appreciation. New claims 28-31 have been added to recite the subject matter of former claims 16-19 and are patentable on this basis.

Claim 1 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent Publication No. 2005/0113703 to Farrington et al. (hereinafter "Farrington"). This rejection is respectfully being traversed.

Although applicant disagrees with the rejection, to advance prosecution, claim 1 has been amended to recite determining an average relevance of the variability over a collection of beats. Thus, in addition to being patentable for the subject matter already recited, claim 1 is also believed to be allowable for the same reasons as former claim 7. The claims dependent from claim 1 are in condition for allowance based at least on their dependence from claim 1. Accordingly, Applicant asks that the rejections of claim 1 and the claims dependent therefrom be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 103(a) as obvious over Farrington.

Once again, applicant disagrees with the rejection. Nevertheless, to advance prosecution, claim 12 has been amended to recite that the relevance of variability to atrial fibrillation is designated by weighting information that describes the variability with a first weighting factor. Thus, in addition to being patentable for the subject matter already recited, claim 12 is also believed to be allowable for the same reasons as former claim 13. The claims dependent from

claim 12 are in condition for allowance based at least on their dependence from claim 12.


Accordingly, Applicant asks that the rejections of claim 12 and the claims dependent therefrom be withdrawn.

The absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

All pending claims have thus been addressed and the application appears to be in condition for allowance. A check for the excess claims fee is enclosed. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 1, 2006

  
\_\_\_\_\_  
John F. Conroy  
Reg. No. 45,485

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

JFC/jhg  
10661497.doc